

CHAPTER 11

LEGAL ASSISTANCE

As an LN, you may become involved with a section of law that is called legal assistance. This particular section of law is so diverse that it covers nearly every type of law practiced in the United States. Legal assistance cases, for example, run the gamut from domestic relations and taxation to veterans' rights.

Although your daily role in the legal assistance area is to assist the legal assistance attorney, you also maybe responsible for solving routine problems. You must, therefore, be able to distinguish complex legal problems from simple legal matters and also be able to identify areas of difficulty that merely concern administrative affairs. A complete discussion of your duties is explained later in this chapter.

LEGAL ASSISTANCE PROGRAM

The legal assistance program has provided needed legal advice and assistance to military personnel and their dependents since 1943. Legal assistance is the giving of advice and assistance about personal legal problems of a civil nature, as distinguished from criminal or official service matters.

PURPOSE

Personnel problems that remain unsolved adversely affect morale and efficiency and frequently result in behavior that requires disciplinary action. The purpose of the legal assistance program is to provide prompt assistance to resolve personal legal difficulties. The program serves as an effective preventive law measure that contributes to the morale and efficiency of commands.

POLICY

The policy of the Department of the Navy is to maintain, from available resources, a legal assistance program to make eligible persons aware of their legal rights and obligations. The program is designed to help military personnel and their dependents obtain adequate legal advice and services from within the military service.

LEGAL ASSISTANCE ATTORNEYS

All Navy and Marine Corps judge advocates on active duty, Regular or Reserve, and all civilian lawyers under the cognizance of the Judge Advocate General (JAG) who are members of the bar of a federal court or of the highest court of any state or in foreign countries who are authorized to practice law in the courts of the country concerned are designated legal assistance attorneys. Navy and Marine Corps judge advocates not on active duty may be designated as legal assistance attorneys by JAG.

While performing legal assistance duties, legal assistance attorneys are guided by the *Professional Conduct of Judge Advocates*, JAGINST 5803.1, and the *Standards of Conduct and Government Ethics*, SECNAVINST 5370.2J. Persons who are authorized to practice law in the courts of a foreign country are guided by similar standards that have been issued for the guidance of lawyers in the country concerned.

NONLAWYER PERSONNEL

Nonlawyer legal officers, LNs, independent duty LNs, and legal clerks may assist attorneys, but they may not provide legal advice or provide services that call for the professional judgment of an attorney. Nonlawyer personnel may provide assistance not requiring the attention of an attorney, as outlined in the *Legal Assistance Manual*, JAGINST 5801.2.

PERSONS ELIGIBLE FOR ASSISTANCE

Legal assistance is intended primarily for active duty personnel and may be provided to members of the Armed Forces of the United States on active duty, including reservists and members of the National Guard on active duty for 30 days or more.

As resources permit, legal assistance may also be provided to the following categories of people in the order listed:

1. Dependents of active duty personnel and dependents of personnel who died while on active duty.
2. Retired military personnel.

3. Dependents of retired members and dependents of deceased retired members.

4. Reservists on active duty for single periods of 29 days or less and their dependents, as authorized by the legal assistance area coordinator, in emergency cases. Additionally, for the purpose of enhancing the readiness of Reserve personnel for mobilization, active duty legal assistance attorneys and Reserve judge advocates who have been authorized by JAG may provide premobilization legal counseling and assistance to inactive Reserve personnel consistent with mobilization readiness needs. Premobilization assistance primarily consists of making sure wills and powers of attorney are current and may include drafting basic wills and basic powers of attorney.

5. Civilian personnel who are United States citizens, other than local hire employees, employed by, serving with, or accompanying the Armed Forces of the United States, when they are assigned to a foreign country or to a vessel or unit of the Armed Forces of the United States deployed in excess of 30 days.

6. Dependents living in a foreign country accompanying authorized civilians listed previously.

7. Members of allied forces and their dependents in the United States, serving with the Armed Forces of the United States.

8. Other persons authorized by JAG.

Persons who are separated from active service other than by retirement are not generally eligible for legal assistance. Normally, the various veterans organizations will help such individuals.

CONFIDENTIAL AND PRIVILEGED CHARACTER OF SERVICE PROVIDED

Information and files on legal assistance clients are confidential and privileged under law and applicable professional rules and guidelines. This confidentiality is separate and distinct from military security classification. Confidential and privileged matters may not be disclosed to anyone by the attorney providing legal assistance, except upon the specific permission of the client or when the responsible legal assistance attorney determines that disclosure is authorized or required by law or applicable rules of professional conduct. Disclosure of otherwise confidential and privileged information cannot be authorized or made lawful by order of superior military authority.

Other attorneys may be granted access to confidential and privileged information for supervisory

and quality assurance purposes or to obtain their assistance in the case. Attorneys granted access to information under this provision are bound to maintain the confidentiality of the information. Office records for prevention of conflicts of interest and statistical data may also be derived from information provided by the client.

If requested by a member's commanding officer (CO) or officer in charge (OIC), information on whether a member of a command reported to a legal assistance office will generally be provided. Information about a member's presence in the office will not be disclosed, however, if doing so would reveal the nature of conversations, advice, or resistance. The nature of the legal assistance or the substance of conversations or advice will not be provided without the client's consent.

FUNCTIONS OF LEGAL ASSISTANCE ATTORNEYS

A legal assistance attorney, in addition to his or her responsibility to discharge his or her assigned duties that are beyond the scope of a legal assistance role, must perform a myriad of legal functions to satisfy the legal assistance needs of his or her fellow Navy citizens. The breadth and variety of these functions are discussed as follows.

The legal assistance attorney and the LN in today's modern Navy have an increasingly important and significant role to play in helping to maintain the high morale and personal motivation needed in an all-volunteer force. As the concept of group legal services gains greater support throughout our society, the Navy's legal assistance program has provided and will continue to provide comprehensive and high-quality legal services to Navy and Marine Corps personnel. This is done through an expansion in scope of the traditional program and further through the expanded legal assistance program.

With the expansion of the traditional program and the development of the expanded legal assistance program, there is an increased need for effective liaison with other government agencies as well as with other naval activities. As the legal assistance attorney and the LN come into contact with the civilian legal practice, relationships with the local bar associations, courts, and the business community must be established on a sound footing. The net result should be better legal assistance for clients.

ATTORNEY-CLIENT RELATIONS

The very nature of legal assistance requires good rapport between the legal assistance attorney, the LN, and the client. Striving for greater respect and understanding is a necessary ingredient of a successful legal assistance program.

For naval personnel to have faith and confidence in their lawyer and the LN, they must first know them and understand their services. It is at the level of daily contacts with clients that the greatest opportunities for fostering good rapport exist. Following are suggestions for developing such relations in these daily contacts.

First Impressions

Very often a client's first impression of a Navy lawyer is obtained through a telephone call or a visit to the legal assistance office. As an LN, you should try to see your office as others might see it. Is it businesslike,

clean, comfortable, and efficient looking? Do you and the other personnel working in the outer office appear to be competent and friendly? Are the offices soundproof enough in the form of carpets, curtains, and other materials so that clients' problems can be discussed quietly, discreetly, and in private? The clients' waiting room as well as the lawyer's private office should present a professional appearance.

The LN's telephone manners are very important. A voice with a smile can encourage a prospect to follow up his or her phone call with a visit. A gruff or impatient telephone reception can discourage a prospective client from ever seeing the legal assistance attorney. By providing the receptionist with a checklist, the receptionist's contribution to the operation of the legal assistance office can be materially increased and the job made more interesting as well. See figure 11-1 for a sample checklist.

TELEPHONE RECEPTIONIST CHECKLIST

NOTE: The individual subject-matter checklists should be transcribed onto a rotary card file (or onto 3 x 5 cards) and be available on the telephone receptionist's desk. Any change to the checklist, or addition of new subject-matter checklists, should be made in the receptionist's card file promptly.

1. WILLS AND ESTATES

- a. Existing wills and codicils to existing wills
- b. Existing wills and codicils to existing wills of spouse
- c. Record of Emergency Data (or copy)
- d. Insurance policies or detailed list including name of company, type of insurance, amount of coverage, name of beneficiary, and policy number(s)
- e. Deeds
- f. Stocks and trends or detailed list of investments and savings

2. DOMESTIC RELATIONS

- a. Matrimonial
 - (1) Certificate of marriage, or date and place of marriage, presiding official and name and address of at least one witness
 - (2) Copies of any prior court papers concerning the marriage, support, and so forth
 - (3) Itemized budget containing all sources and amounts of income and average monthly expenses and obligations
- b. Adoption
 - (1) Birth certificate of child
 - (2) Any court or agency papers concerning the custody, support, or adoption of the child

Figure 11-1.—Telephone receptionist checklist.

3. AUTOMOBILES (depending on type of problem)
 - a. Documents relating to purchase
 - b. Documents relating to financing of a vehicle
 - c. Warranties, guarantees, and repair documents
 - d. Insurance policies
 - e. Police reports (accident cases)
 - f. Data on other vehicles and drivers involved (accident cases)
 - g. Any correspondence or court documents regarding the accident
4. TAXES
 - a. Copy of returns for previous 3 years
 - b. All tax-withholding slips and information returns
 - c. Copy of PCS/TAD orders (if applicable)
 - d. Check stubs or receipts for moving, medical, casualty, or other deductible items
 - e. Rough filled-out return
5. FINANCES, CONTRACT AND CONSUMER LAW
 - a. Itemized budget containing all sources and amounts of income and average monthly expenses and obligations
 - b. Any correspondence or court documents regarding financial obligations
6. LANDLORD-TENANT AND REAL ESTATE
 - a. Lease
 - b. Security deposit receipt
 - c. Pictures of any disputed property, if possible
 - d. Any correspondence or court documents relating to the transaction
7. POWERS OF ATTORNEY
 - a. Record of Emergency Data (or copy)
 - b. Copy of orders

Figure 11-1.—Telephone receptionist checklist—Continued.

At the time the client first calls or comes into the office and speaks to the receptionist or LN, inquiry should be made as to the general nature of the assistance being sought; for example, taxes, wills, automobile registrations, and accidents. Once that has been determined, by consulting the telephone receptionist checklist, you or the receptionist can advise the client what documents or information the client should bring along at the time he or she consults with the legal assistance attorney. By following this procedure, one or

more trips to the office and much waiting time in the office can often be saved for the client as well as for the legal assistance attorney.

When you (or the legal assistance attorney) are busy, the client will appreciate recognition that his or her time is also valuable. An advance telephone call to set anew appointment or a few moments spent in explaining the delay to the client are merely applications of the Golden Rule in attorney-client relationships.

Keeping the Client Informed

To the client his or her case may represent one of the most important things in his or her life. The case may also be a source of anxiety. Naturally he or she expects and is entitled to receive a continuing report on the progress of the case. This may be done with little or no extra effort on either your part or the legal assistance attorney's part by sending copies of correspondence to the client, or by an occasional telephone call to report the status of the case. A periodic letter, even though there is little to report, will be appreciated. This shows that the legal assistance attorney has not allowed the matter to be buried or forgotten. This could be done by the legal assistance office staff on a monthly diary basis to save the lawyer's time. Each month a brief status report from individual case records could be prepared, reviewed by the legal assistance attorney, and sent to the client concerned to bring him or her up to date on the status of the case.

Legal Assistance References

To help the legal assistance client, you should be familiar with the various reference materials available in the office where you work. Some of these reference materials are common for all legal assistance offices and included in these are the *Legal Assistance Handbook*, DA PAM 27-121; the *Voting Assistance Guide*, NAVEDTRA 46007; the *All States' Income Tax Guide* published by OJAG, U.S. Air Force; the *Legal Assistance Newsletters* published by OJAG, U.S. Navy; the *Military Personnel Manual* (MILPERSMAN); and the *Manual of the Judge Advocate General* (JAGMAN). Additional reference materials will vary from office to office depending on the geographical location of the office and the types of services provided by that office.

LEGAL ASSISTANCE SERVICES

The scope of the practice of law and the legal assistance attorney's duties and responsibilities are governed by JAGINST 5801.2. Advice and service regarding the following matters are normally available to eligible persons at legal assistance offices, but may be limited due to availability of resources:

- Basic wills, trusts, and estate planning—Complex estate planning and drafting is not routinely provided in the legal assistance program.
- Domestic relations—Advice about the legal and practical implications of divorce, legal separation,

annulment, custody, and paternity is provided. Assistance in domestic violence cases will be consistent with the Department of the Navy Family Advocacy Program, SECNAVINST 1752.3.

- Adoption and name changes—Advice and document preparation, including pleadings, are provided as appropriate.

- Nonsupport and indebtedness—Advice and assistance, including communication, correspondence, and negotiations with another party or lawyer, on behalf of the client, are provided as appropriate.

- Taxes—Basic advice and assistance on federal, state, and local taxes are provided as appropriate. Legal assistance attorneys do not sign returns as paid preparers, nor do they normally prepare tax returns.

- Landlord-tenant relations—Advice and assistance including review of personal leases and communication and correspondence in behalf of the client are provided as appropriate.

- Civil suits—Advice and appropriate assistance are given. In-court representation is prevented, except as provided in the expanded legal assistance program. Procedures and requirements of small claims courts and other courts of limited or special jurisdiction are explained and appropriate referral made.

- Soldiers' and Sailors' Civil Relief Act—Advice and assistance are provided as appropriate about the protection afforded and the effect of the act on the client.

- Criminal matters—Limited general advice may be provided regarding minor (misdemeanor) criminal matters and traffic offenses within the jurisdiction of the civilian courts. Serious criminal matters are not within the scope of legal assistance and are referred to military defense counsel or private civilian attorneys, as appropriate.

- Other services—Advice and assistance are given on powers of attorney, real estate, bankruptcy, contracts, consumer affairs, insurance, immigration, naturalization, and other areas if not inconsistent with legal assistance regulations. Advice and assistance regarding military matters may be provided subject to the limitation stated in the JAGMAN.

LIMITATIONS ON SCOPE OF LEGAL ASSISTANCE SERVICES

Persons requiring the advice or assistance of an attorney on a personal legal matter, as contrasted with a

military justice problem, should be referred to a legal assistance attorney. Legal assistance is authorized for personal legal affairs only. Legal advice and assistance are not provided regarding business ventures or regarding matters that are not of a personal nature.

Advice or Assistance in Official Military Matters

Legal assistance duties are separate and apart from responsibilities of trial counsel, defense counsel, or others involved in processing courts-martial, nonjudicial punishment, administrative boards or proceedings, and investigations.

Representation of Opposing Parties or Interests

If two or more eligible persons with conflicting interests seek legal assistance from the same office on the same matters, the party first establishing an attorney-client relationship is provided representation. Other parties are advised that they are eligible for assistance, but that it must be obtained from another source. Every effort will be made to refer the party with a conflicting interest to another legal assistance attorney or to a private civilian attorney. If referral to another office or civilian counsel is not a reasonable option, guidance should be obtained from JAG.

Proceedings Involving the United States

Legal assistance attorneys may not advise on, assist in, or become involved with individual interests opposed to or in conflict with the interests of the United States without the specific approval of JAG. Examples include a claim for monetary damages against the United States, filing for a restraining order against the United States, assisting in pursuing CHAMPUS claims, or filing Article 138, *Uniform Code of Military Justice* (UCMJ), petitions.

Telephone Inquiries

In the absence of unusual or compelling circumstances, legal advice is not provided over the telephone. This does not prohibit appropriate follow-up telephone discussions between the legal assistance attorney and the client.

Advice to Third Parties

The attorney-client relationship requires personal communication. Except when the client is unable to

communicate adequately, advice or assistance will not be provided through third parties. This includes drafting a will for one spouse based upon discussion with the other spouse.

REFERRALS AND FEES

The legal assistance attorney may determine that the best interests of the client will be served by referring the case to another attorney, often a private civilian attorney. Referral may be for a variety of reasons, including expertise of the attorney or regulations that prohibit involvement of the legal assistance attorney. Should referral to a private civilian attorney be necessary payment of legal fees is the client's responsibility. The government will not reimburse the individual or pay any expenses associated with the referral. Reserve personnel providing legal assistance while on active duty may not refer legal assistance clients to themselves in their private practice nor to their law firm.

Services provided in the Department of the Navy legal assistance program are at no cost to eligible personnel. All active duty personnel and civilian employees involved in providing services or advice in the legal assistance program are prohibited from accepting or receiving, in any manner, any fee or compensation other than government compensation for legal services provided to persons eligible for assistance. Reserve personnel on inactive duty or in any official capacity are prohibited from receiving fees or compensation for the same matters about which they consulted with or advised the legal assistance client in an official capacity.

THE EXPANDED LEGAL ASSISTANCE PROGRAM

Under the expanded legal assistance program, legal assistance attorneys in selected offices may provide legal services, including in-court representation to certain categories of clients, as follows, about matters listed in the JAGMAN, on a limited basis. The local legal assistance office should be consulted for specific information.

The expanded legal assistance program, as authorized by JAG, provides in-court legal services for eligible personnel who cannot afford private attorney fees.

Those personnel eligible for the expanded legal assistance program include the following:

- Active duty military personnel in paygrades E-3 and below without dependents.

- Active duty military personnel in paygrades E-4 and below, with dependents. Their dependents are also eligible.

- Other active duty military personnel of higher paygrades and their dependents who are unable to afford an attorney without substantial financial hardship. Representation under the expanded legal assistance program of persons in this category must be approved by JAG.

THE PREVENTIVE LAW PROGRAM

The preventive law program is an integral part of the Department of the Navy legal assistance program and is intended to decrease the number of personal legal problems confronting military personnel and their families. The preventive law program is intended to help in avoiding noncriminal legal problems and to help prevent the recurrence and proliferation of legal problems affecting commands or installations. When a legal problem with widespread implications for morale or discipline arises, the legal assistance area coordinator must make sure all methods are used to highlight and resolve the problem.

The preventive law program requires full communication and cooperation among all judge advocates and civilian attorneys in the Department of the Navy and necessitates specific coordination with appropriate civilian officials. It is the goal of the program to improve the overall readiness, efficiency, and performance of military members of the Department of the Navy by enhancing morale and discipline through training and information.

In addition to improving overall mission readiness, other objectives include the following:

- Educating persons to recognize potential legal problems so professional legal counsel is sought before problems arise
- Providing COs and their personnel with a broad channel of communication on legal assistance matters
- Encouraging obedience to the law through self-discipline

Program responsibilities are generally the same as for the legal assistance program. Attorneys participating in preventive law services such as unit

education, training, legal assistance checkups, and briefings need to make sure eligible personnel are informed about the following:

- Counseling services available through the legal assistance program
- The importance of seeking legal advice before taking action on important matters such as signing purchase agreements, contracts, leases, or divorce settlements
- Rights, privileges, and responsibilities arising from laws concerning the member
- The importance and method of adequately preparing legal affairs before a deployment
- Rights, privileges, and responsibilities of the member as a consumer
- The expanded legal assistance program

LIAISON WITH OTHER GOVERNMENT AGENCIES

A working relationship between the legal assistance office and certain government agencies should be established. Where there are frequent dealings, personal contact should be made. These agencies include the following:

- IRS and state tax agencies—Many tax rules and policies apply only to the military. Special information relative to service members' status should be gathered, and a supply of all the pertinent tax forms should be maintained in the office.

- Social Security Administration—Social Security rules and regulations are of special interest to career service members, retired service members and their dependents, and also dependents of deceased service members. A supply of the several brochures issued by the Social Security Administration should be maintained.

- Department of Veterans Affairs—A working knowledge of the VA procedures is especially important.

- Department of Justice—The Justice Department is responsible for enforcing the Soldiers' and Sailors' Civil Relief Act and the Civil Rights Act on behalf of the U.S. Government and its agents and service members. Liaison with the attorneys in the Justice Department who are assigned to such duties will encourage proper enforcement under the Soldiers' and

Sailors' Civil Relief Act. Lack of proper enforcement should be brought to the attention of JAG.

- Immigration and Naturalization Service—The immigration statutes are of particular importance for counseling noncitizen service members such as those who come from the Philippines. The International Law Division of the Office of the Judge Advocate General maintains an expertise in this area as well.

- Customs Office—There are many service members who return from foreign duty stations and encounter problems with the Customs Service to make this more than a merely academic interest to the legal assistance attorney and his or her staff.

- Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)—Dependents of active duty service personnel and retired service members and their dependents are eligible for CHAMPUS benefits. If a claimant believes that a claim has been improperly denied (not just returned for further substantiation), the claimant may send the claim to the Executive Director, CHAMPUS, Denver, Colorado 80240, for consideration.

- Consumer agencies (federal, state, and local)—The Federal Trade Commission, Food and Drug Administration, and the Federal Consumer Product Safety Commission maintain field offices in major cities in the United States. At the state and local level, many consumer protection divisions have been created in the state attorney general's offices and in the county prosecuting officer's agencies.

- State motor vehicle departments—The legal assistance office staff should be familiar with the location of the closest motor vehicle department office and the *modus operandi* of that office. Also, a supply of the department's brochures and forms should be obtained for use by clients.

COOPERATION WITH OTHER NAVY AGENCIES

The Navy and Marine Corps Relief Society is commonly known only for its financial assistance. However, the society provides other services such as budget counseling for individuals and families who need help in managing their financial affairs. The society can also make a loan to a service member.

The Navy Federal Credit Union provides services that include debt consolidation loans, savings plans, and financial advice.

LEGAL ASSISTANCE RECORDS, FILES, AND REPORTS

Command records showing client contact and the general nature of assistance are maintained by the legal assistance office for administrative and statistical purposes. Although such records should not contain privileged or confidential information and are, therefore, not privileged, maintenance of these records must comply with the Privacy Act. Information in these records is used to contact clients and former clients about assistance provided, to guard against conflicts of interest in providing legal assistance, to develop statistical evaluation of services provided, and to provide information for better assisting clients and administering the office.

Legal assistance case files (for example, those containing privileged or confidential information) belong to each legal assistance attorney who is solely responsible for their content and maintenance. The legal assistance office will provide storage facilities for files. Higher authority may from time to time make suggestions regarding the maintenance of files. Before transferring from a legal assistance office, the legal assistance attorney must store, destroy, or, if the client approves, turn over to another attorney the client case files.

The legal assistance office filing system should be simple enough to operate so it takes only a minimum amount of time for anyone in the office to file papers. Four types of files should be maintained. They are the client case file, the office reading file, the reference material file, and the forms file.

THE CLIENT CASE FILE

An individual client case file should normally be opened only for those matters that will require follow-up visits, correspondence, and similar material. Current active files should contain all documents, papers, notes, and so on, that relate to the client.

The record of each client's visit (or telephone call, if advice is given in this manner) should consist of, at a minimum, a completed Legal Assistance Case Record, NAVJAG 5801.9, or similar locally prepared form. The file should contain a detailed description of the client's problem and the advice given. Where there is inadequate space on this form, a supplementary sheet containing the attorney's notes should be attached. All action taken by an attorney, including consultation, telephone calls, research, and his or her opinion and

advice, must be clearly entered on the attorney's notes. The best time to do this is immediately after the action.

If the case is resolved in one visit (or perhaps one consultation and a follow-up visit to execute a document), a client case file would not normally be opened. The client's case can be opened, disposed of, and the Legal Assistance Case Record and any supplementary attorney's notes filed immediately.

LEGAL ASSISTANCE OFFICE READING FILE

A copy of each outgoing piece of correspondence should be placed in chronological order, most recent on top, in the monthly legal assistance office reading file. This file should be maintained separately from the regular office reading file. These files may be destroyed after 2 years. Material contained in the legal assistance reading files, as well as the individual client case files, is privileged.

REFERENCE MATERIAL FILE

A separate index and series of files should be kept for reference material other than that which normally would be placed in the library. Included in this category are notes, releases, pamphlets, and bulletins not subject to being serialized or kept by category in loose-leaf or bound form. It is important that this system be kept up to date since these items are often highly relevant to pending cases.

FORMS FILE

A good, well-indexed form file can be of immeasurable importance to a legal assistance office, especially where it relates to matters of local practice. Considerable savings in time and effort can be made by reference to a previously drafted form. However, do not let the form file get too large; discard or change any forms in the file that are obsolete or no longer used.

FILING PRACTICES

All papers filed, other than original documents not susceptible to being punched, should be secured in the file. Letters and replies should be in chronological order, with the most recent on top.

Every effort should be made to see that files are not retained on the lawyer's desk unless they are actually being used. In larger offices, a chargeout slip or card should be used to indicate where the file is located.

FILE RESPONSIBILITY

Responsibility for the maintenance of the client files should be assigned to one person. It is a mistake to assign the newest person in the office to the important job of filing. Proper files management is vital to the smooth operation of an office and it requires an experienced clerical assistant be assigned this duty. Clear, written instructions must be given to the person responsible for the files.

FILE RETENTION

When a matter has been concluded, the case file should be closed quickly to conserve valuable filing space. Only two items should be kept: (1) the Legal Assistance Case Record and (2) the attorney's notes containing the file history. All documents, including those drafted by the legal assistance attorney, should be returned to the client together with whatever correspondence and memorandums the legal assistance attorney determines that the client should have. The remainder of the file can then be destroyed.

January of each year should be scheduled for the destruction of all 2-year-old closed files. For example, in January 1994, all files closed during 1991 may be destroyed.

LEGAL ASSISTANCE OFFICE REPORTS

Only one regular report is required for the legal assistance program. This is an annual report of the number of legal assistance cases handled during the calendar year. This is broken down by types of cases and includes time figures. The information required for the annual report is obtained from the individual Legal Assistance Case Record, NAVJAG 58 10/9. This should be tabulated and transferred onto a Legal Assistance Report, NAVJAG Form 5801/3, on a monthly basis. At the end of the year, the figures for the month of December can be added to the already prepared totals for the previous 11 months and the annual report quickly and conveniently prepared. This job should normally be done by an LN or secretary assigned to the legal assistance office.

Any legal assistance provided by Reserve lawyers must also be reported. If the Reserve lawyer provides the legal assistance at a base legal assistance office, then each of the matters handled by him or her should be included in the reports made by the active duty legal assistance officer, as these matters are part of that office. In some areas, legal assistance is rendered by the

Reserve lawyer in his or her office. In that event, a separate report must be made by the CO of the law firm to which the Reserve lawyer is attached.

SUMMARY

As you can readily see, the legal assistance program is an important part of your duties as an LN. The

effectiveness of the legal assistance program is only as good as the personnel who are providing the assistance. Remember, you will be working very closely with both legal assistance clients and legal assistance attorneys and your attitude and ability to provide the type of assistance requested will be the measuring stick that legal assistance clients use to assess the value of the services provided by the legal assistance office.